

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Atty. Ref.: **5256-3**

**SEVERN et al**

Conf. No.: **2296**

Serial No. **10/590,626**

Group: **1796**

Filed: **August 24, 2006**

Examiner: **LU**

For: **CATALYST SYSTEM COMPRISING MAGNESIUM HALIDE**

\* \* \* \* \*

December 16, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL COMMUNICATION**

Sir:

It has recently come to the undersigned's attention that an incorrect electronic file was uploaded December 14, 2009 in conjunction with the concurrent filing of a Request for Continued Examination (RCE). Specifically, it appears from the USPTO's PAIR system that the previous Response Under Rule 111 dated September 3, 2008 was uploaded inadvertently instead of the response that was intended, namely Response Under Rule 116 dated December 14, 2009, copy attached.

In view of the above, therefore, it is requested that the attached Response Under Rule 116 be considered as the applicants' response to the final Official Action dated November 14, 2008 in lieu of the Response Under Rule 111 dated September 3, 2008 that was inadvertently uploaded and filed on December 14, 2009.

During a telephone conference with Examiner Lu on this date, the undersigned was advised that the filing of this Supplemental Communication with a copy of the

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correct written response should suffice. However, in the event that the Office deems the submission of December 14, 2009 to be defective under 35 USC §1.114, then applicants hereby conditionally petition for revival of the application under 37 CFR §1.137(b). In view of the comments above, the entire delay in filing a reply required by 37 CFR § 1.114 until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

An early and favorable reply on the merits is awaited.

#### **Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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**RESPONSE UNDER RULE 116**

Sir:

The following comments are intended to be fully responsive to the final Official Action dated November 14, 2008. Petition is hereby made for a time extension of five (5) months up to and including December 14, 2009 as determined by the nominal due date set by the Notice of Appeal filed on May 14, 2009.

Pursuant to 37 CFR §1.121, each section of the subject Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments and Remarks) as may be appropriate to the issues raised in the Official Action to which this paper responds, begins on a separate page. Changes to the original text, claims and the like are shown by striking through language to be deleted and underlining of language to be added.